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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,166	03/25/2004	Jari Vallstrom	KOLS.100PA	6817

7590 02/06/2007
Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

EXAMINER

AJAYI, JOEL

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/809,166

Applicant(s)

VALLSTROM ET AL

Examiner

Joel Ajayi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Applicant's claim for foreign priority under 35 U.S.C. 119(a-d) is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cho (U.S. Patent Application Number: 2003/0045242)** in view of **Hamalainen et al. (U.S. Patent Application Number: 2002/0061744)**.

Consider **claim 1**; Cho clearly discloses a method of interference control in a radio terminal equipment arrangement comprising: a cellular core unit and at least one peripheral unit, the cellular core unit communicating with a peripheral (paragraph 6, line 1- paragraph 7, line 9; paragraph 9, lines 1-12), the method comprising: establishing an outside connection to a unit other than the core unit by a peripheral unit (paragraph 6, line 1- paragraph 7, line 9; paragraph 9, lines 1-12); giving a command by the core unit for adjusting the outside connection activity of the peripheral unit when another connection needs to be established by the core unit, the other connection operating on the same frequency band as the outside connection of the peripheral unit (paragraph 6, line 1- paragraph 7, line 9; paragraph 9, lines 1-12); and adjusting the outside connection activity of the peripheral unit based on the control command received from the core unit (paragraph 6, line 1- paragraph 7, line 9; paragraph 9, lines 1-12).

Except:

Using a wireless low power radio frequency (LPRF) and giving a control command.

In the same field of endeavor Hamalainen clearly discloses using a wireless low power radio frequency (LPRF) and giving a control command (control data) (paragraph 5, lines 1-7; paragraph 24, lines 1-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hamalainen into the method of Cho in order to effectively and efficiently control wireless, low power radio frequency networks.

Consider **claim 16**; Cho clearly discloses a radio terminal equipment arrangement (paragraph 6, line 1- paragraph 7, line 9; paragraph 9, lines 1-12) comprising: a cellular core unit and at least one peripheral unit, the cellular core unit being configured to communicate with a peripheral unit using a connection, a peripheral unit being configured to establish an outside connection to a unit other than the core unit (paragraph 6, line 1- paragraph 7, line 9; paragraph 9, lines 1-12), wherein the core unit is further configured to give a control command for adjusting the outside connection activity of the peripheral unit when another connection needs to be established by the core unit, the other connection operating on the same frequency band as the outside connection of the peripheral unit (paragraph 6, line 1- paragraph 7, line 9; paragraph 9, lines 1-12); and the peripheral unit is configured to adjust the outside connection activity based on the control command received from the core unit (paragraph 6, line 1- paragraph 7, line 9; paragraph 9, lines 1-12).

Except:

Using a wireless low power radio frequency (LPRF) and giving a control command.

In the same field of endeavor Hamalainen clearly discloses using a wireless low power radio frequency (LPRF) and giving a control command (control data) (paragraph 5, lines 1-7; paragraph 24; lines 1-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hamalainen into the method of Cho in order to effectively and efficiently control wireless, low power radio frequency networks.

Consider **claims 2-11, 15, 17-26, 30**; the combination above clearly discloses establishing the other LPRF connection by the core unit after when the outside LPRF connection activity of

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the peripheral unit has been adjusted (Cho, paragraph 6, line 1- paragraph 7, line 9; paragraph 9, lines 1-12; paragraph 17, lines 1-9; Hamalainen, paragraph 5, lines 1-7; paragraph 24, lines 1-21).

Consider **claims 12-14, 27-29**; the combination above clearly discloses that the outside LPRF connection or the other LPRF connection is a WLAN connection (Hamalainen, paragraph 6, line 1- paragraph 7, line 11).

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joel Ajayi whose telephone number is (571) 270-1091. The Examiner can normally be reached on Monday-Friday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

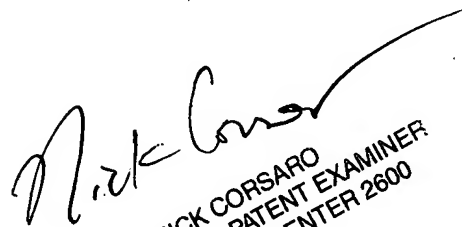
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Joel Ajayi

February 2, 2007


NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600